

# **EXHIBIT D**

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**From:** Peterson, Liane M.  
**Sent:** Monday, May 9, 2022 11:22 AM  
**To:** Keith Altman; shk@shk-dplc.com  
**Cc:** Lori Crusselle; Ellis, Nicholas J.; Gocha, Alan J.  
**Subject:** Trutek v. BlueWillow - Trutek Discovery Responses

Counselors:

BlueWillow served its First Set of Document Requests and Interrogatories on February 18, 2022. Under the Federal Rules of Civil Procedure, Trutek had 30 days to serve responses and answers. While we were in discussions about extending discovery deadlines, Trutek filed a motion to amend the scheduling order by 45 days. This motion and resulting order did not expressly extend the time for Trutek to submit responses and answers to BlueWillow's First Set of discovery requests. Nevertheless, in a show of good faith, BlueWillow proceeded as if a 45 day extension for discovery responses and answers (for Trutek) had been granted. However, Trutek still failed to timely provide responses and answers even assuming a 45-day extension was granted.

Under well-established case law in the Eastern District of Michigan, the failure to timely object to discovery requests constitutes a waiver of objections. Please confirm that Trutek will promptly and fully provide responses and answers to BlueWillow's discovery requests as well as all requested documents. Please also confirm that Trutek will promptly provide responses to BlueWillow's Rule 30(b)(6) Deposition Notice of Trutek, along with proposed dates for the deposition and identify the witness(es) designated by Trutek to testify on each topic. Otherwise, please note that we plan to address this at the same time as our meet-and-confer scheduled for Tuesday, May 10, 2022, at 10:30 am EST.

Fact discovery is set to close May 16 per the Court's schedule. BlueWillow has responded to Trutek's discovery requests in a timely manner. Trutek's delay and failure to comply with its discovery obligations has and continues to cause prejudice to BlueWillow and its ability to defend against the claims asserted by Trutek in this matter.

Sincerely,

Liane